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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,638	09/18/2003	William J. Borland	EL0499 US NA	5044
23906	7590	03/24/2005	EXAMINER	
E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			HA, NGUYEN T	
			ART UNIT	PAPER NUMBER
			2831	
DATE MAILED: 03/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/664,638	BORLAND ET AL. 
Examiner	Art Unit	
Nguyen T Ha	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 16 February 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) 1-12 and 20 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 13-19 and 21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 0104 & 0204.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of group II, claims 13-19 and 21 in the reply filed on 02/16/2005 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-19 and 21 rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi (US 6,266,226).

Regarding claim 13, Hayashi discloses a capacitor (1A-1B & 2A-2B) comprising:

- a first electrode/lower electrode (11) comprising a first plurality of electrode portions/element electrodes (15);
- a second electrode/upper electrode (12) comprising a second plurality of electrode portions/element electrodes (16) spaced from the first plurality of electrode portions; and
- a dielectric (13) contacting the first electrode portions (figure 2A).

Regarding claim 14, Hayashi further disclose the dielectric material (13) that contacts and substantially encases the capacitor (figure 1A).

Regarding claim 15, Hayashi discloses one or more of the first plurality of electrode portions (15) are trimmed to achieve a target capacitance value (figure 1B).

Regarding claim 16, Hayashi discloses a capacitor (figures 1A-1B & 2A-2B) comprising:

- a first electrode/lower electrode (11) comprising a first plurality of electrode portion/element electrode (15);
- a second electrode/upper electrode (12) comprising a second plurality of electrode portions/element electrode (16) spaced from an inter-digitated with the first plurality of electrode portions (figure 1A); and
- a dielectric (13) disposed between the first and second plurality of electrode portions.

Regarding claim 17, Hayashi further disclose the dielectric material that contacts and substantially encases the capacitor (figure 1A).

Regarding claim 18, Hayashi discloses one or more of the first plurality of electrode portions (15) are trimmed to achieve a target capacitance value (figure 1B).

Regarding claim 19, Hayashi disclose the first plurality of electrode portions (15) comprises at least four electrode portions (figure 1B).

Regarding claim 21, Hayashi disclose a printed wiring board containing the capacitor (column 2, lines 36-37).

#### **Citation Relevant of Prior Art**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Konushi et al. (US 6,266,227) disclose thin film capacitor.
  - b. Konushi et al. (US 6,104,597) disclose thin film capacitor.

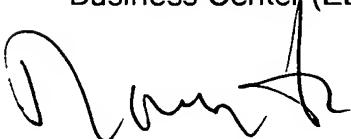
c. Stolmeijer et al. (US 5,939,766) disclose high quality capacitor for sub-micrometer integrated circuit.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Ha whose telephone number is 571-272-1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



***Nguyen T. Ha***  
***March 19, 2005***